

MAR 06 2019

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY SV

DEPUTY

IN THE UNITED STATES DISTRICT COURT

P-19-M-702

SEALED

FOR WESTERN DISTRICT OF TEXAS

Pecos Division

I, Jason P. Manyx, being duly sworn, depose and state as follows:

I. INTRODUCTION.

1. I am a Supervisory Special Agent for Homeland Security Investigations ("HSI"), the investigative component for U.S. Immigration & Customs Enforcement ("ICE"). As such, I am a law enforcement officer of the United States, within the meaning of Section 115(c)(1) of Title 18, United States Code, who is "authorized by law or by Government agency to engage in or supervise the prevention, detection, investigation or prosecution of any violation of Federal criminal law." I have twenty-five years of experience investigating criminal enterprises that violate the United States Code and the Immigration and Nationality Act ("INA"). Currently, I am assigned as the Resident Agent in Charge for HSI Alpine and Presidio, Texas and responsible to manage the investigation of unlawful acts occurring within the Western District of Texas.

2. Throughout my career I have conducted and managed the criminal investigations of Alien Smuggling Organizations ("ASOs") who smuggle illegal aliens (IAs) into the United States, from Mexico, in violation of Title 8, United States Code, Section 1324, Bringing in and Harboring Certain Aliens. In doing so, I have become familiar with the methods by which these entities conduct their business, including but not limited to, the manner in which these organizations aid, encourage, entice, conspire and transport IAs in furtherance of the United States border.

3. Based on my training, education, and experience, I know that it is common for individuals engaged in human smuggling operations to use telephonic communications to further

their criminal activities. I know that individuals engaging in human smuggling operations use cellular telephones and cellular telephone technology to communicate and remain in constant contact with person employed or taking direction from ASO hierarchy. I also know that individuals who engage in human smuggling operations use cellular telephones to exchange information with ASO hierarchy, criminal associates and clients through text messaging and instant messaging in addition to direct telephone conversations.

4. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. §§ 2703(c) as the electronic devices/cellular telephones assigned call number (432) 249-0008 (SUBJECT TELEPHONE NUMBER) is believed to contain evidence related to a violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii); and Title 18, United States Code, Section 1519, Destruction of Records in Federal Investigation. Furthermore, information about the historical locations of the SUBJECT TELEPHONE NUMBER whose service provider is Verizon Communications headquartered at Verizon Communications, a company headquartered at 180 Washington Valley Road, Bedminster, New Jersey 07921, is also sought as it is believed to contain evidence related to a violation of Title 18, United States Code, Section 1324(a)(1)(A)(ii) and Title 18, United States Code, Section 1519.

5. This affidavit does not contain every fact known to me regarding this investigation, but rather contains information necessary to demonstrate probable cause in support of the above-referenced search warrant and orders. The facts and information contained in this affidavit are based on my previous investigative experience and training, review of various documents, records and other physical evidence; as well as conversations with other law enforcement officials and private individuals. Therefore, I have not included each and every fact

known to the United States Government.

II. ALIEN SMUGGLING OPERATIONS

6. Based on my training and experience, I know that ASOs that smuggle people across the international boundary, that separates the United States and Mexico, typically operate in the manner described hereafter.

7. ASOs implement a supply chain that starts with foreign based recruiters who conscript foreign national clientele who seek covert entry into the United States. The client interfaces and pays the recruiter who in turn introduces the client to a facilitator. That facilitator will then prepare the alien for clandestine entry into the United States. Once the client is prepared the facilitator will present the client to the transportation network. This assembly consists of foot-guides, drivers or aviation pilots. These individuals are responsible to "smuggle" the client, into the United States, by crossing the international border that separates the United States and Mexico. If entry into the United States is successful, the transportation network then introduces the client to a distribution network. This faction consists of stash-house operators, document vendors or transport drivers who arrange to get the client to their final destination or other locations designated by the ASO.

8. Most times these criminal associates converse by means of voice communications; however, I am familiar with incidents where these characters use sophisticated techniques, especially with regard to their telecommunication devices, to conduct criminal operations. This includes, but is not limited to, using their cellular telephones to cryptically update ASO hierarchy, either in the United States or abroad, and communicate with criminal associates within the supply chain. Furthermore, these actors photograph route dangers, abandoned clients, illicit proceeds, "markers," U.S. law enforcement surveillance

operations/apparatus and border enforcement activities. Perpetrators also photograph stash houses and unfamiliar persons and meeting locations. They then transmit such photographs or information to their criminal associates to further and/or safeguard nefarious activities.

9. ASOs often are led by business-savvy individuals who manage the day-to-day criminal operations such as, meeting and communicating with the supply chain actors; transferring illicit proceeds and communicating relevant operational data. ASO hierarchy also will identify and inspect stash-houses to ensure "that their product is safeguarded." Given that this industry has a substantial potential for corruption and violence, I know that it is not uncommon for these "administrators" to make unannounced visits to stash-houses; provide gratuities to corrupt law enforcement, government or immigration officials; discipline criminal associates or clientele whom violate criminal protocol. ASO leadership also directs, manages or participates in extortion or unlawful restraint schemes which victimize clients and further enrich the organization.

III. BACKGROUND:

10. The International Boundary and Water Commission (IBCW) established the United States-Mexico boundary within the Treaty of February 2, 1848. The treaty of December 30, 1853 modified the international boundary as it exists today. As it relates to the Western District of Texas, Pecos Division, the IBWC has designated the Rio Grande River (hereinafter: "Rio Grande") as being the United States-Mexico border.

11. Title 8, United States Code, Section 1101(a)(3) defines an "alien" as being any person who is not a citizen or national of the United States.

12. Title 8, United States Code, Section 1101(a)(13) offers lawful entry to aliens who seek entry into the United States. To qualify an alien must present themselves before a U.S.

Customs and Border Protection Officer ("CBPO"), at a designated U.S. Port of Entry ("POE"). Each alien must satisfy that they are entitled to enter the United States. Designated POEs within the Western District of Texas, Pecos Division, are Presidio, Texas and the "Boquillas Crossing" which is located within the Big Bend National Park.

13. A criminal violation of Title 8, United States Code, Section 1325, Improper Entry by Alien, occurs when an alien enters, or attempts to enter, the United States at any time or place other than a designated POE or to elude CBPO inspection.

14. A criminal violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii), Bringing in and Harboring Certain Aliens, occurs when "any person knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, moves, or attempts to transport or move such alien within the United States by means of transportation."

IV. PROBABLE CAUSE

15. During enforcement endeavors, Presidio County, Texas Sheriff's Office ("PCSO") Deputy Mitchell "Mitch" Garcia (DSN 503) wears a personal video recording device (i.e. "body-cam") as part of his police uniform. Deputy Garcia activates this "body-cam" during traffic encounters to document his up close and personal interactions with the motoring public. Deputy Garcia also employs a dashboard video recorder that is installed within his PCSO assigned patrol unit. This technology records the overall event.

16. On February 27, 2019 at approximately 2202 hours, Deputy Garcia stopped a suspicious, white 2015 Mazda CX-5, bearing Texas state registration FWV-7501. This action occurred on the asphalt shoulder of northbound Highway 17 in Jeff Davis County, Texas. This location is within the Western District of Texas, Pecos Division. This event was recorded on

“body-cam” #WFC-044571 and Deputy Garcia’s assigned patrol unit’s “dash-cam.”

17. On March 1, 2019, PCSO Sheriff Danny Dominguez provided me the “body-cam” and dashboard camera footage of this encounter. My analysis exposed Deputy Garcia interacting with the driver of the 2015 Mazda CX-5 identified as being United States citizen, Teresa Lynn TODD. The passengers within TODD’s vehicle were two adult Hispanic males and one adult Hispanic female. These individuals were dressed in camouflage attire and hiking boots. Based on my training and investigative experiences involving human smuggling operations, ASOs often will require that their clients wear camouflage or dark colored clothing to decrease the chance of being apprehended by U.S. law enforcement authorities. The clothing permits concealment within the natural West Texas vegetation and terrain.

18. When asked by Deputy Garcia, TODD acknowledged that she had picked up the “Guatemalan children...and they needed help.” TODD then asks Deputy Garcia, “What can we do Mitch?” Deputy Garcia responded, with “Hold’em right here, we are going to have Border Patrol pick them up.” TODD then groaned, “No,” in response. Deputy Garcia then summoned agents from the U.S. Border Patrol, Marfa Station, for some Guatemalans who were “in pretty bad shape.” Based on my investigative experiences participating and managing human smuggling investigations within the Western District of Texas, I know ASO transport drivers frequently pick-up alien groups in this exact area. Based on previous interactions with persons who smuggle IAs into and through the United States, I believe TODD’s response inferred she had no intention to notify U.S. Border Patrol Agents (BPAs) that she had found three IAs.

19. At approximately 2212 hours, BPA Simpson and Supervisory BPA (SBPA) Taylor, joined Deputy Garcia at the scene. SBPA Taylor individually interviewed each Hispanic passenger and surmised that each was an adult El Salvadorian citizens/national. SBPA Taylor

also determined that each alien lacked authorization from the U.S. Department of Homeland Security to lawfully enter, be present or transit the United States. BPA Simpson and SBPA Taylor then arrested the aliens for violations of Title 8, United States Code, Section 1325. When BPAs arrived at Marfa Station, they noticed the Hispanic female displayed signs of severe dehydration. Without delay BPAs transported the Hispanic female to the Big Bend Medical Center (BBMC), Alpine, Texas where she was admitted. The Hispanic female remained in the care of BBMC until March 3, 2019.

20. On February 28, 2019, HSI Alpine Special Agent, David Ferg and BPA Ben Morrow interviewed El Salvadorian citizen/national, Carlos Saul ORELLANA-LAZO. This individual purported that TODD stopped where they were seated and encouraged everyone to get inside the vehicle. After C.S. ORELLANO-LAZO and his associates were seated inside the passenger compartment, TODD permitted C.S. ORELLANA-LAZO to use SUBJECT TELEPHONE NUMBER to call his "Aunt" in Guatemala and "Mom" in El Salvador. ORELLANA-LAZO's statement contradicts a video recorded claim in which TODD tells law enforcement that C.S ORELLANA-LAZO's mother was in New York. C.S. ORELLANA-LAZO expressed he tried to communicate to TODD that the group needed transportation to a hospital because his sister had fallen ill. Through my interactions with BPAs, and previous experiences investigating and managing investigations of ASO criminality, I know the terms "aunt," "uncle," and "cousin" are coded phrases that IAs often use to reference ASO representatives. I also know that IAs look for opportunities to telephone their "aunt," "uncle," or "cousin" to report being apprehended by U.S. law enforcement. It is at that time ASO representatives remind the alien of "the cover story." The ASO representative then terminates all contact with the individual.

21. On February 28, 2019, I obtained iMessage (text) communications which originated from SUBJECT TELEPHONE NUMBER, on February 27, 2019, between 2208 and 2212 hours. These communications read:

- a. SUBJECT TELEPHONE NUMBER (2208 hours): "Hey If you're still up can you call me? I was flagged down by 3 Guatemalan children on the side of the road."
- b. SUBJECT TELEPHONE NUMBER (2209 hours): "Mitch is here now-they got a call. Nevermind."
- c. SUBJECT TELEPHONE NUMBER (2210 hours): "Poor things-it's over for them."
- d. OTHER PARTY (2210 hours): "Dang."
- e. OTHER PARTY (2210 hours): "Sorry I just missed your call."
- f. OTHER PARTY (2211 hours): "Maybe they'll get asylum."
- g. SUBJECT TELEPHONE NUMBER (2212 hours): "I was calling my friend when Mitch pulled up behind us."

22. The "body-cam" footage also revealed that TODD told Deputy Garcia that she used SUBJECT TELEPHONE NUMBER to telephone an acquaintance about getting the "Guatemalan children asylum." "Dash-cam" footage suggests that SUBJECT TELEPHONE NUMBER was used while TODD, ORELLANO-LAZO and two other foreign nationals were seated within the 2015 Mazda CX-5 awaiting BPA arrival. Title 8, United States Code, Section 1158(a)(1) permits any alien present in the United States to request asylum. Aliens who have been apprehended by ICE or the U.S. Border Patrol may only inform authorities of their desire to seek asylum. Their official claim does not occur until the individual submits an Application for

Asylum and for Withholding of Removal ("Form I-589") with sworn-affidavit. And, the alien must submit these documents to a U.S. Department of Homeland Security, Bureau of Citizenship and Immigration Services (USCIS) Asylum Officer. No other individual can initiate this process for the alien regardless of social status or profession. Lastly, attorneys are precluded from representing any asylum applicant unless they have a G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative) approved by and on file with the USCIS

23. "Dash-cam" analysis also revealed that for several minutes TODD was standing by herself near the right rear taillight of the white 2015 Mazda CX-5. At approximately 22:25:36 hours an unaccompanied TODD walked to the passenger door of the Mazda CX-5. She then leaned into the passenger compartment and returned holding a smart-phone that I have reason to believe is affiliated with the SUBJECT TELEPHONE NUMBER. TODD then returned to the rear of the Mazda CX-5. Between approximately 22:25:41 hours and 22:27:58 hours TODD took her finger(s) and started "swiping" the communication device. Based on my personal and professional experiences using smart-phone technology this, "swiping" motion is consistent with deleting information from the iMessage application, call history log, voicemail list and e-mail box. It is my training, previous experiences conducting and managing criminal investigations, and conversations with other federal prosecutors and public defenders, that TODD was aware her activities were under preliminary federal investigation. Therefore, I believe TODD committed a violation of Title 18, United States Code, Section 1519, Destruction of Records in Federal investigations in that she knowingly destroyed records [within a tangible object] with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States."

24. "Body-cam" footage further depicts that at approximately 22:30:47 hours TODD partially elevated the communication device suspected of being associated with the SUBJECT TELEPHONE NUMBER and asked BPA Simpson "Do I get a phone call?" BPA Simpson replied, "Not from your cell phone. Could be evidence."

25. On March 2, 2019, I canvassed the area of the traffic stop and located "markers." It is my experience in conducting and managing criminal investigations of ASO criminality that ASOs will use these devices to identify the "pick-up" locations where ASO foot-guides expect to meet ASO transport drivers who will extract aliens from the area. Unless a person interfaced with an ASO representative they will not know or understand this tradecraft. Therefore, I have reason to believe the location where TODD stopped to pick up the IAs is not coincidental.

V. TECHNICAL TERMS.

26. Based on my training and experience, I use the following technical terms to convey the following meanings:

a. Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone) is a handheld wireless device used for voice and data communication through radio signals. These telephones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or traditional "land line" telephones. A wireless telephone usually contains a "call log," which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones offer a broad range of capabilities. These capabilities include: storing names and phone numbers in electronic "address books;" sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal

calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system ("GPS") technology for determining the location of the device.

b. Digital camera: A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.

c. Portable media player: A portable media player (or "MP3 Player" or iPod) is a handheld digital storage device designed primarily to store and play audio, video, or photographic files. However, a portable media player can also store other digital data. Some portable media players can use removable storage media. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can also store any digital data. Depending on the model, a portable media player may have the ability to store very large amounts of electronic data and may offer additional features such as a calendar, contact list, clock, or games.

d. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The

Global Positioning System (generally abbreviated "GPS") consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

e. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments or notes) and utilizing computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive e-mail. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer software, giving them many of the same capabilities as personal computers. For example, PDA users can work with word-processing documents, spreadsheets, and presentations. PDAs may also include global positioning system ("GPS") technology for determining the location of the device.

f. Tablet: A tablet is a mobile computer, typically larger than a phone yet smaller than a notebook that is primarily operated by touching the screen. Tablets function as wireless communication devices and can be used to access the Internet through cellular networks, 802.11 "wi-fi" networks, or otherwise. Tablets typically contain programs called apps, which, like programs on a personal computer, perform different functions and save data associated with those functions. Apps can, for example, permit accessing the Web, sending and

receiving e-mail, and participating in Internet social networks.

g. **Pager:** A pager is a handheld wireless electronic device used to contact an individual through an alert, or a numeric or text message sent over a telecommunications network. Some pagers enable the user to send, as well as receive, text messages.

h. **IP Address:** An Internet Protocol address (or simply "IP address") is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet computer must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.

i. **Internet:** The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

VI. CONCLUSION

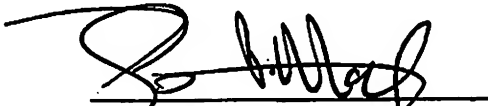
27. Based on the facts and circumstances stated above, I submit there is probable cause to believe the above-described human smuggling and obstruction violations have occurred, are presently occurring, and will continue to occur; and that the user of the SUBJECT TELEPHONE NUMBER used, is using, and will continue to use the SUBJECT TELEPHONE NUMBER in furtherance of Bringing in and Harboring Certain Aliens into the United States, in

violation of Title 8, United States Code, Section 1324; and the Destruction of Records in Federal Investigations, in violation of Title 18, United States Code, Section 1519. The disclosure of location-based services and stored telecommunications records will allow law enforcement to monitor the user's involvement in illegal activities, identify the user and other conspirators and members of any ASO TODD may have collaborated with.

VII. REQUEST TO SEAL


28. It is respectfully requested that this Court issue an order sealing, until further order of this Court, all papers submitted in support of this Application, including the Application, Affidavit, and Search Warrant, and the requisite inventory notice (with the exception of one copy of the warrant and the inventory notice that will be left with the Target Device). Sealing is necessary because the items and information to be seized are relevant to an ongoing investigation and not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that online criminals actively search for criminal affidavits and search warrants via the Internet, and disseminate them to other online criminals as they deem appropriate, i.e., post them publicly online through forums. Premature disclosure of the contents of this Affidavit and related documents may have a significant and negative impact on this continuing investigation and may jeopardize its effectiveness by alerting potential targets to the existence and nature of the investigation, thereby giving them an opportunity to flee, or to destroy or tamper with evidence.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Jason P. Manyx
Supervisory Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 06th day of March 2019.



The Honorable David B. Fannin
United States Magistrate Judge
Western District of Texas